

U.S. DISTRICT JUDGE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SCOTT DURRANT, )  
 ) CIVIL NO. 3:20-cv-05354-RAJ  
Plaintiff, )  
 ) ~~PROPOSED~~ ORDER  
vs. )  
 )  
COMMISSIONER OF SOCIAL SECURITY,) )  
 )  
Defendant )  
 )

This matter comes before the Court on the parties' stipulated motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgment on January 8, 2021 to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9<sup>th</sup> Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the stipulation and the record, the Court determines that Plaintiff is the prevailing

1 party, the government's position was not substantially justified, and that the itemization  
2 of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are  
3 met.

4 Having thoroughly considered the parties' briefing and the relevant record, the  
5 Court hereby GRANTS the motion and awards Plaintiff \$6,552.00 in attorney's fees,  
6 subject to any offset allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*, 560  
7 U.S. 586, 589 – 590 (2010). Payment of EAJA fees shall be sent to Plaintiff's attorney:  
8 David Oliver & Associates, 2608 South 47<sup>th</sup> Street, Suite C, Tacoma, WA 98409. Pursuant  
9 to *Ratiff*, award shall be payable to Plaintiff's attorneys, David Oliver & Associates, if the  
10 Commissioner confirms that Plaintiff owes no debt to the Government through the Federal  
11 Treasury Offset program.  
12

13 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is  
14 GRANTED;

15 DATED this the 31st day of March, 2021.

16  
17 

18 The Honorable Richard A. Jones  
19 United States District Judge  
20  
21  
22  
23  
24  
25